S.R
1875

Sf 1—3
2 of 1875

Incomplete

Increase of rent payable by Contractors
& Tramcars

S.R
1875

1—6
3—1875

S.R.
3 of 1875
1-6.

31st March 76.

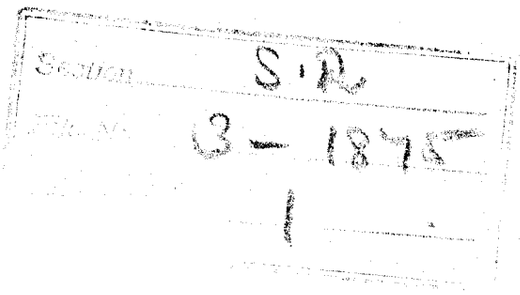
Claim for compensation to Messrs. Davy and Co. for certain toddy Shops in Mysore

Rec'd

1876. O. 34
138

From The Commissioner
Ashtapan &c.

To



Dated Imphal 31st March/76

Despatched

Received 4th April /76.

Ans. 4th Day

ENCLOSURES NO.

General No. 978
No. 137

Request to obtain the Chief Commissioner's instructions as to whether Messrs Taylor Davy and Co. have any claim to certain Godowns at Cachar in the Imphal District.

Rec'd 27 Aug 1876
Memo No 1098
28/15-

Printed Pro: No 4320

General No: 978 } 1875/c
Dis: " 137

Shtagraud Commr's Office.
Mysore 31st March 1876

To

The Secretary to the Chief
Commissioner of Mysore.

Sir,

Messrs: Brown & Co. the Toddy Contractors of the Mysore District, claim the marginally noted 4 Toddy shops in the Shtagraud Taluk, on the ground that they are situated within the limits of the Mysore Distt: and Messrs: Taylor Davy and Co,- to whom the right of selling Toddy in the Hassan District, is rented,- object to make them over, as they are now under their control and management, and the supply of Toddy sold in them is obtained from the date groves in the Shtikrishpa Taluk in the Hassan District.

1. Shutter.
2. Thonnur
3. Thalliar.
4. Arikerrinkere

II. The point is to some extent a doubtful one, for the shops in question, though within the limits of the Mysore District, have for a time which cannot be ascertained, been attached to the Hassan District Sub-Contractors, as the Toddy

Toddy was supplied from the Attikuppa Palook, a fact which might have been ascertained by the present Contractors before the tender was made for Mysore, and must have been taken into consideration by the Hassan District Contractors in making their tender for that District.

III. A similar practice exists in Hassan, by which certain toddy Shops in the Talooks of Hoarnhalli and Channarayapatna, have been for several years past and are still enjoyed by the Tumkur District, and the Deputy Commr. Hassan states that as the circumstances under which this originated and has been continued, cannot be ascertained, he is of opinion that the question may with advantage be settled after the expiry of the present Contract.

I therefore request that you will obtain the orders of the Chief Commissioner on both these Cases.

I have the honor to be

Sir

Your most Obt. Servt.

Secretary

Commissioner.

J.M.

Adm. Dy

Revenue 1896. No 6

To

The Commissioner

Ashtagrand Division.

Dated 27th May 1896.

Despatched

Per 30

No. 1645/1144

Yours No. 978-2314 of 1896

Calling for information regarding certain Abkarry Shops said to be in Mr. Brown's contract.

No. 1645
R. 44

27th May 1876.

To, The Commissioner
Ashtaparam &c.

Sir,

In reply to your letter No: 978/137 of 31st March 1876, I am directed to state that if the shops in question pay Mohturfa and are licensed by the Deputy Commissioner of Hapsan, they belong for abkarry purposes to that District. If they pay the tax and are licensed by the Deputy Commr of Impire, they are clearly in Dr Brown's contract.

I have the hon
Sd
Offg: Secretary

A Record Notice
to which the shops
the Shops belong
Also the Collectorate

opd.
R.A.

26 Recd

1876.

C. 2197

41

From The Commissioner Salem

To

Secretary to Chief Commissioner,
General Department.

Dated Mysore the 12th July 1876

Despatched

Received 14

By 17

ENCLOSURES NO

General No. 343 1876—77

Gen. No. 41

Sir I have the honor to forward the Papers of docket from the Dy Commr Mysore and Hassan reporting on the subject of certain Toddy shops in the Salem Talook—

To Duplicate

14-7-76

Order drafted 22/7/76.

General No. 243. 1876.
41
Rev:

To

Ashtagram Commissioner's Office.
Mysore 12th July 1876.

The Secretary to the Chief
Commissioner of Mysore.

Sir

I am reply to the Proceedings of the Chief Commissioner No. 1645/1844 dated 27th May 1876, calling for the submission of a report regarding certain Toddy Shops, I have the honor to forward herewith for the information and orders of the Chief Commr. Copies of the marginally noted dockets from the Deputy Commissioners Mysore and Hassan reporting on the subject.

No. 296 of 26-6-76. from Hassan
No. 361 of 28-6-76. from Mysore.

2 It will be seen from this, that the Toddy Shops therein alluded to are all situated in the villages of the Ashtagram Taluk, Mysore District and that consequently the assessment on Toddy Shops levied on them are credited to the accounts of that District.

As printed forms of Licenses for the retail sale of Toddy &c were not supplied before the beginning of the current official year, no licenses were granted to any of the Toddy Shops in the Mysore and Hassan Districts during the year 1875-76.

I have the honor to be
Sir
Your most Ob. Servt.

1876

From

The Deputy Commissioner
Hassan District. –

To,

The Commissioner
Ashtagram Dn:

Dated Camp Channarayapatana 26th: June/76

No: 296. –

His circular Nos: 72 and 92 dated 5th and 15th: Instant, on the Subject of the Toddy Shops in the Ashtagram Taluk. –

With reference to the above, has the honor to state that as the Shops in question are situated in the villages of the Ashtagram Taluk, there can be no doubt that the Mohadarfa paid by them is credited to the Imporo District. A reference has however been made to the Attikoppa Amildars on the Subject, and the result will be communicated as soon as an answer is received. –

2 No Licenses have been issued to any of the toddy Shops in this District; and as the printed forms were received at the close of the last official Year, the necessary informations regarding the locality of Shops, names of Vendors &c: has been called for from the Abkary Contractors, to enable this office to issue the Licenses this Year

"Signed" H. Maddy.
Dy: Commissioner
Hassan Distt.

From

The Deputy Commissioner
Mysore District

To.

The Commissioner
Ashm: Dn

Dated 28th: June 1876.-

General No: 361.-

His Docket No: 72 of the 5th Inst:
regarding four toddy Shops in the Ashtagram
Taluk..

In reply begs to submit that the
Ashtagram Amildar in his report No: 407
States that the Shops in question are situated
in the Ashtagram Taluk, and the assessment
levied on them credited to the accounts of that
Taluk..

Signed C. J. Pearse..
Deputy Commissioner
Mysore District.-

"Copies"

J. J. Hoole.
Manager
For Commissioner
Ashm: Dn:

Section A.B.
File No. 13-1875
No. 41

Revenue

To the Commrs

Ashtagram &c

of 27th July

A 4328/43

One page.

29

Recd 11.3/4 am
27-7-76

Copies regarding certain Todd Rights in the Ashtagram Salt Works of the Mysore Dist — Passing Orders thereon

Messrs Brown & Co.
Should at the same
time be informed
that as they must
have been aware
of the facts at the
time of taking the
Contract, the Chief
Commissioner can
recognize no claim
to compensation
on their part.

I am T. Clarke
Offg: Secretary

To
The Comm.rs Ashtagrama for
communication to the
Ferry contractors of the
Mysore and Hassan Dist.

Proceedings of the Chief Commr. of Coorg

MYSORE GOVERNMENT

Read-

Letters No. 9X&D/137 dated 31st March and No. 243/41 dated 12th July 1876 from the Commissioner of the Ashtagram Division.

Order thereon

It appears that

1 at Chattur
2 Sonnur
3 Thattiar
4 Arekunnikeré

4 Toddy shops in the localities marginally noted though situated in the Ashtagram taluk of the Mysore District are at present in the hands of Messrs Taylor Davy and Co., the Toddy Contractors of the Kussoor District, and Messrs Brown & Co. who have recently obtained the Toddy contract for the Mysore District have laid claim

14

claim to the control of them.

2. The existing practice has clearly arisen from the circumstance of the two Districts having been previously farmed conjointly but under the terms of messrs Davy Taylor and Co's Contract bond they cannot claim to exercise any control over Toddy Shops situated outside the limits of the Nassau District and the shops should accordingly be made over to Mess Brown & Co within 5 days of notice being served upon the Nassau Toddy Contractors by the Commissioner of Ashtagram Division to that effect.

Messrs

15

1876.

GOVERNMENT OF MYSORE.

REVENUE.

To

THE COMMISSIONER, ASHTAGRAM DIVISION.

Dated July 27th.

Despatched 1st August

Received

No. 4328.
Rev. 43.

From the Huzur Commr's No 362 of 5th August 1876
R 87

Govt No. 243/41 of 12 July 1876.

Correspondence regarding certain toddy shops in the Ashtagram Taluk of the Mysore District. Passing orders thereon.

Proceedings of the Chief Commissioner of Mysore, Department of Revenue, Agriculture and Commerce, 27th July 1876.

READ—

Letters No. 978—137, dated 31st March, and No. 243—41, dated 12th July 1876, from the Commissioner of the Ashtagram Division.

No. 4328—REV. 43, DATED BANGALORE, 27TH JULY 1876.

ORDER THEREON.—It appears that four toddy shops in the localities marginally noted, though situated in the Ashtagram Taluk of the Mysore District, are at present in the hands of Messrs. Taylor Davy and Co., the toddy-contractors of the Hassan District; and Messrs. Brown & Co. who have recently obtained the toddy contract for the Mysore District, have laid claim to the control of them.

1. At Chattur.
2. „ Sonanur.
3. „ Talliyar.
4. „ Arikennikere.

2. The existing practice has clearly risen from the circumstance of the two Districts having been previously farmed conjointly; but under the terms of Messrs. Davy Taylor and Co.'s contract-bond they cannot claim to exercise any control over toddy shops situated outside the limits of the Hassan District, and the shops should accordingly be made over to Messrs. Brown & Co., within five days of notice being served upon the Hassan toddy-contractors by the Commissioner of Ashtagram Division to that effect. Messrs. Brown & Co. should at the same time be informed that, as they must have been aware of the facts at the time of taking the contract, the Chief Commissioner can recognize no claim to compensation on their part.

T. CLARKE,
Offg. Secretary.

To—The Commissioner, Ashtagram, for communication to the toddy-contractors of the Mysore and Hassan Districts. 1x duplicates

Revenue 1876 No. 3513
No 58

From

The Commissioner Ashud

To

Secretary to Chief Commissioner,
General Department.

Dated Mysore 5th Sept 1876.

Despatched

Received

Ref 8th.

ENCLOSURES NO.

General No. 362 } 1876—77.
P. C. No. 57 }

Secretary's No 4328 D 27 July 1876
R 443
Submits for orders Copy of Letter from
Messrs Brown & Co claiming Compen-
sation for the Coddy shops held by
the Hassan Contractors in the Mysore
District

To
Secretary
Finance
2-9-76
No 2061

Order drafted
22/9/76

General No 342
Rev 5th

Shragraw Commissioner's Office
Mysore 5th September 1846.

To

The Secretary to the Chief
Commissioner of Mysore.

Sir

I directing to the printed proceedings of the Chief Commissioner No 4328 dated 27th July ult. passing orders in the case of certain toddy shops claimed by the Sultaun Contractor of the Mysore Dist. I have the honor to forward herewith copy of letter No 2/29 dated 14th August 1846, from Messrs Brown & Co from which it appears that they consider loss has been incurred by them in consequence of Messrs Taylor and Davy having persisted in retaining the shops, and thus rendered it necessary to refer the matter to the Chief Commissioner for orders. The profit from these shops has been received by the Contractors of the Hassan District, not by Government, and no claim for compensation by permitting part of the Kists can be recognized. Further, it does not seem that the Govt. can by direct interference, order the Hassan Contractors to pay damages, the usual course of settlement for such cases being by the Courts.

I have the honor to be
Sir
Your most Obdt Servt

Commissioner

Mysore 14th August 1876

No. 2/29

From

Messrs. Brown & Rudsmall
Military Contractors, Mysore Distt.

To

The Commissioner
Ashtagram Division.

Sir

We beg to acknowledge receipt of your docket No. 436 dated 8th Instant, forwarding Copy of the proceedings of the Chief Commissioner No. 4328/43 of 1st August 1876, regarding the 4 Toddy shops in the Ashtagram Taluk, and respectfully beg to submit for your consideration and submission to the Chief Commissioner, the following representations, with respect to that portion of the Chief Commissioner's orders, which states that "Messrs. Brown & Co. should at the same "time be informed that as they must have been aware of "the facts at the time of taking the Contract, the Chief "Commissioner can recognize no claim to compensation "on their part."

2. By the terms of our Contract we farmed from the Government the control over every Toddy Shop Situated within the limits of the Mysore Distt. and no other party had any claim to exercise such Control over, or derive any revenue from the said Shops.

3 Immediately on taking charge of

the

the Toddy business of the Mysore District and finding that Messrs: Taylor Davy & Co had usurped the control and revenue of the four toddy shops in ques: tion, thinking that this may have arisen from some unintentional error on their part we at once wrote to them on the subject on the 12th May 1875 as well as on the 26th June, but they had not the courtesy even to reply to our communications, and persisted in retaining forcible and illegal possession of the shops.

4. We then addressed the Amildar of the Nishtagram Taluk on the 9th June 1875, who replied that he had submitted the matter to the Deputy Commr.

5. Not hearing further from any one, we again wrote to Messrs: Taylor Davy & Co, who indorsed on our letter "We got these shops by Mamool".

6. We then wrote to the Deputy Commr. of the Mysore District on the 9th August 1875, for: warding all the correspondence referred to above, and requested that the shops would be restored to us and damages obtained.

7. The Deputy Commissioner sent us a docket No 1635 dated 21st September 1875 forwarding certain correspondence from the Commissioner of the Division himself, Taylor Davy & Co, and the Deputy Commissioner of the Hassan District, the last mentioned officer clearly stated that Messrs: Taylor Davy & Co had no right to these shops, but the Commissioner of the Division remarked that the shops in question were supplied with

Toddy from the Attikuppa Toddy Topes, and that we had not paid the license fee for these shops

8. We replied to the Deputy Commissioner of the Mysore District on the 25th September 1875, explaining that we never had the chance of supplying the Toddy ~~shops~~ in as much as the shops were forcibly retained by Messrs. Taylor Davy & Co.

9. Having received no further communication from the Deputy Commissioner Mysore District, we again addressed him on the 10th February 1876, also on the 16th March 1876 stating forth that we were losing Rs. 500/- a month by being kept out of the four shops

10. This also not having been replied to, we again drew the Deputy Commissioners attention to the matter on the 14th March 1876. To none of these communications have we received any reply.

11. Meanwhile we addressed you direct, bringing to your notice our claim to the four shops, and submitting that owing to their forcible detention by Messrs. Taylor Davy & Co, our loss in Toddy sales in the Taloor had increased to Rs. 900, a month, and you were pleased to reply that the matter had been submitted for the orders of the Chief Commissioner. We again addressed you for the last time on this subject on the 8th Instant, and received the docket under reply

12. From the above details it will, we trust be seen that we have used all diligence in our powers to obtain the shops in question, and that it is

no fault of ours that we should have been deprived of the revenue due to us.

13. We trust it will also be seen from para 2 of the Chief Commissioner's order, that Messrs. Taylor Davy & Co had no right whatever to work the toddy shops for the past 16 months, and to have appropriated to themselves the revenue derived therefrom.

14. Under the above circumstances, we consider it very hard that after keeping our part of the Contract in paying the full amount of revenue, we guaranteed, we should have been forcibly kept out of the four shops for over 16 months, notwithstanding our repeated applications, that we should have been made to suffer severe losses in consequence, and that now when it is admitted that the shops have all along belonged to us by the terms of our Contract, the Chief Commissioner should refuse to recognize our just claim to Compensation on the assumption that we must have been aware "of the facts at the time of taking the Contract."

15. We would respectfully ask, what knowledge of facts could possibly operate in favor of our being deprived of the Revenue of these shops and of another party receiving the same, The only facts we were acquainted with at the time of taking the Contract were that we should possess the exercise of control over, and revenue of every toddy shop situated within the limits of the Mysore District, and that

the

the Government were found to guarantee us the same.

In Conclusion we humbly Solicit you will be pleased in Submitting this letter for the favorable Consideration of the Chief Commissioner to do us the justice to recommend that Compensation of such losses actually Sustained by us on account of the Spirit Shops in question be granted to us, and remitted from the Rent we have to pay.

We have &c.
Jos. Brown & Richmal.
Govt. Abkari Contractors,
Mysore Distt.

"Copy"
J. J. Cahill Manager
For Commr. Asm. Dr.

Filed 1876

To

The Commissioners

of Claims

of 28th Sept.

Despd 10th Feb'y/76

No 6367

1654

Passing orders on the salaries

of Messrs Brown & Co's Claim for

Compensation

~~Restoration Proper~~

No: 6367
654
d/28/9/76

Letter No: 362 of 5th September 1876 from the Commissioner Chittagong Division, submitting for order copy of letter from Messrs Brown & Co: claiming compensation for loss sustained by them in consequence of Messrs Davy & Co: having persisted in retaining the four toddy shops in the Chittagong talook of the Mirpore District

Order thereon.

In the order of 27th July 1876 No: 4328 the Chief Court refused to recognize Messrs Brown & Co's claim to compensation as against Government, & if they conceive that they have a remedy against the Chittagong District Toddy contractors, they may be referred to the proper Civil Court.

9/10

(1) Agreement 1876.

C. 34
111

From The Commissioner of the Ashmedy

To Secretary to Chief Commissioner, General Department.

S.2
2 — 1876

Dated Camp Amedulpet 18th January 76

Despatched 28th 42

Received 2 2 - 22

ENCLOSURES NO 2

General No. 803 } 1875—76
Rev. No. 110

This Office docket No: 562/82

of the 7th October 1875 Regarding the percentage of increase in the rent payable to Pramdars by the present Saddy Contract.

Requests the favor of early reply to the above as the Deputy Commissioner proposes to put Several representations on the Subject.

Commissioner Ashmedy

Mulq.
4.C.

2 Sheets
22.1.76

Section S.E.
No. 2 — 1875
No. 2

Queen

1875-76

From The Commissioner
Rohtagarh Division

To

Secretary to Chief Commissioner,
General Department.

Dated 22nd Dec. Hassan
Despatched February
Received 22 "
23 "

ENCLOSURES None

General No. 868 } 1875—76.
Rev. No. 120 }

Requests early instruction regarding increase rent payable by Landholder Tradesmen & Lessees.

Asst. Superintendent
25/2

Noted 23rd Dec. 1875

Gen'l No 868 / 1875
Rec'd 120

Commissioner's Office,
Rohtagrum Divn.

Dated Camp Hassan
21st February 1876.

To,

The Secretary to the
Chief Commissioner
of Mysore,

Sir,

I have the honor to request the favor of early reply to this Office letter No 803/1110 dated 18th ultimo applying for instructions regarding the proportionate increase of rent payable by the present Toddy Contractor to Inamdars &c. No rent has yet been paid by the former to a number of Inamdars and Jodidars who are entitled to it.

I have the honor to be
Sir
Your most obedt Servant

Ramaya

Commissioner
Rohtagrum Divn

Mysore.

Recd 1876 No 9809
Y.O. 93

The Commissioner
Ashtagram Dr.

Dated 17th March 1876.

Dispatched 18
Octr 29

No 9809
R 93

Directs that the rate of increase payable by Messrs Brown & Co. to holders of Inam and Kayemgutta villages in the Mysore District be fixed at 50 P. Cent upon the amount paid by Messrs. Edwardes & Co.

Proceedings of the Offg. Chief Commissioner of Mysore

No 9809
R 93

Dy. 14th March 1876.

Note in the Office

Letter from the Commr. of the Ashtagram Division No 446/R 63 of the 6th Septr 75

Order thereon.

The Offg. Chief Comr. directs that the rate of increase payable by Messrs Brown & Co. to holders of Inam and Kayamgutta villages in the Mysore District be fixed at 70 per cent upon the amount paid by Messrs Edwards & Co. whose contract terminated on 31st October 1868.

2. Messrs Brown & Co's claim to allow only 41 per cent increase is clearly untenable, and they will be informed accordingly.

To, The Comr., Ashtagram Dn.
Messrs G. Brown & Co.,
Toddy Contractors of

Offg. Secretary